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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS EFRAIN PEREZ

Defendant.

CASE NO. 1:21-CR-00179-JLT-SKO

STIPULATION TO CONTINUE

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference regarding the mental competency of the defendant on May 20, 2022.
2. On March 17, 2022, the court continued the status conference to June 24, 2022, at 9:00 a.m.
3. The Defendant arrived the Brooklyn Metropolitan Detention Center on May 18, 2022. On June 23, 2022, he was transported to The Federal Medical Center, Devens. On June 24, 2022, the parties received a request from the Psychology Services Department at FMC Devens for all investigative/discovery materials as well as any relevant medical records.
4. The parties are in the process of providing these materials to FMC Devens.
5. Based on all the above, the parties seek to continue the status conference regarding the mental competency of the defendant until August 19, 2022.
6. The parties agree and stipulate, and request that the Court find the following:

- 1 a) The ends of justice served by continuing the case as requested outweigh the interest
2 of the public and the defendant in a trial within the original date prescribed by the
3 Speedy Trial Act.
- 4 b) Having found by a preponderance of the evidence that the defendant is presently
5 incompetent to stand trial, the Court ordered the defendant committed to the custody
6 of the Attorney General for a period of four months for treatment in a suitable facility,
7 pursuant to 18 U.S.C. § 4241(d).
- 8 c) The defendant's mental health status has not been resolved and the parties cannot
9 proceed to trial on the case until defendant's mental health status is resolved.
- 10 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
11 seq., within which trial must commence, the time period of June 24, 2022 to August
12 19, 2022, inclusive, is deemed excludable pursuant to 118 U.S.C. § 3161(h)(4), for
13 "delay resulting from the fact that the defendant is mentally incompetent . . . to stand
14 trial" and because good cause exists for the continuance of a status conference, and
15 time should be further excluded as the ends of justice outweigh the interest of the
16 public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

17 7. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy
18 Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 IT IS SO STIPULATED.

21 Dated: June 22, 2022

22 PHILLIP A. TALBERT
United States Attorney

23
24 By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

25
26 Dated: June 22, 2022

27 /s/ DOUGLAS BEEVERS
Attorney for Defendant
28 CARLOS EFRAIN PEREZ

ORDER

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **June 24, 2022**


UNITED STATES DISTRICT JUDGE